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DOE FOR CAROLYN GAY

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TAGS: [PREL](#) [PGOV](#) [NI](#) [CM](#)

SUBJECT: NIGERIAN SENATE CHALLENGING BAKASSI HANDOVER
AGREEMENT

Classified By: Political Counselor Walter Pflaumer for reasons 1.4. (b
& d).

¶1. (U) On November 22, the Nigerian Senate debated and approved a resolution challenging the validity of the Green Tree Agreement reached last year between Nigeria and Cameroon returning the Bakassi Peninsula to Cameroonian sovereignty. The agreement was intended to put into effect a 2002 ruling of the International Court of Justice settling a territorial dispute between the two countries.

¶2. (U) The Senate resolution resolved to "draw the attention" of President Yar'Adua "to the fact that the transfer of Bakassi and other parts of Nigeria to Cameroon under the agreement of June 12, 2006 without ratification by the National Assembly as required by section 12 (1) of our Constitution is unconstitutional." (FYI: Section 12 (1) of the constitution reads: "No treaty between the Federation and any other country shall have the force of law except to the extent to which any such treaty has been enacted into law by the National Assembly.")

¶3. (U) In a press interview, former Attorney General Bola Ajibola, who chaired the Nigeria-Cameroon Mixed Commission which helped resolve the territorial dispute, reacted by describing the Senate action as "impossible," and based on a lack of understanding of the status of the Green Tree Agreement. He added that Nigeria's international image could be harmed by the Senate's intervention.

¶4. (C) Senator Nicholas Ugbane (protect) from the ruling PDP told PolAssistant November 23 that "the intention is not to void the agreement, but to ensure due process is followed." He added that the Senate wanted the chance to debate the agreement, and particularly to address the impact both on Nigerians who were having to be resettled, and on those areas which were having to accommodate them.

¶5. (C) Comment: While we certainly would not downplay the seriousness of the Senate's action, our sense is that this issue is likely to take at least one trip to the appeals court before anything significant happens. We will nonetheless watch this closely to see if there is any chance for it to turn out to be more than mere chest thumping by Senators, 80% of whom are new and still trying to figure out their roles. We hope to have further discussions with Senators on this issue next week. End comment.
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